
HOUSE BILL 3338

State of Washington

60th Legislature

2008 Regular Session

By Representative Morris

Read first time 02/04/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the use of emerging technologies to create
2 animal identification lists or databases; and adding a new chapter to
3 Title 16 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that this state has
6 entered into agreements with the federal government and otherwise may
7 have participated in establishing animal identification lists or
8 databases using emerging technologies. The legislature finds that
9 existing means for identifying and tracking animals have been
10 sufficient to trace outbreaks of animal diseases, and that there is no
11 scientific evidence that mass, uniform electronic tagging and tracking
12 of animals will improve this state's or nation's ability to prevent,
13 control, or respond to an outbreak of animal disease, whether natural
14 or intentionally introduced. The legislature finds that the fostering
15 of livestock ownership and farming is in the best interests of this
16 state and its citizens, and that the establishment of a national or
17 state identification system using emerging technologies is detrimental
18 to individual ownership and raising of livestock. The legislature

1 therefore directs that this state shall not participate in or establish
2 a mandatory or voluntary emerging technology animal identification
3 system.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Animal" means all members of the animal kingdom except humans,
7 fish, and insects. "Animal" does not include undomesticated animals
8 living in the wild.

9 (2) "Department" means the department of agriculture of the state
10 of Washington.

11 (3) "Director" means the director of the department or his or her
12 duly authorized representative.

13 (4) "Emerging technology" includes, but is not limited to,
14 biotechnology, electronic identification, radio-frequency
15 identification devices or tattoos, cloning, and biometrics.

16 (5) "Livestock" means equines (horses, mules, donkeys, burros);
17 bovines (cattle and bison); cervids (deer and elk); ovine (sheep);
18 caprine (goats); porcine (swine); camelids (llamas and alpacas);
19 poultry (chickens, ducks, emu, geese, guineas, pheasants, quail,
20 turkeys); and any other animal that the federal government may have
21 included in the national animal identification system. "Livestock"
22 does not include undomesticated animals living in the wild.

23 (6) "Person" means individuals, corporations, partnerships,
24 associations, or other legal entities and agents of those entities.

25 (7) "Premises" means a location where livestock are raised, held,
26 or boarded.

27 (8) "Source verification program" means the national animal
28 identification system (NAIS) or any other program that tracks
29 individual animals or groups of animals in order to determine the
30 origin of such animal or group, the identity of all other animals that
31 have been in contact with it, and the location of all premises at which
32 it has been held in its lifetime.

33 NEW SECTION. **Sec. 3.** (1) This state shall not establish nor
34 participate in the use of emerging technologies to create national
35 animal identification lists or databases.

1 (2) The prohibition in this section also applies to the components
2 of a source verification program including premises registration and
3 databases, animal identification and databases, and animal movement
4 tracing and databases.

5 (3) All cooperative agreements between the federal government and
6 this state, or between this state and other states, established before
7 the effective date of this section and related to the establishment of
8 animal tracking, electronic tagging, registration, information
9 databases, premises registration, use of microchips for animal tagging
10 purposes, and other matters related to the use of emerging technologies
11 to create national animal identification lists or databases are hereby
12 terminated and null and void as to this state's participation.

13 (4) Immediately upon the effective date of this section, any
14 identification lists or databases created using, in whole or in part,
15 federal funds, shall be void and shall not be used for any purpose by
16 any governmental, public, or private person or entity. This provision
17 includes lists and databases that were created solely for the purposes
18 of addressing specific diseases in specific species of livestock.

19 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed as
20 prohibiting the state from establishing or participating in disease
21 control programs specifically designed to address a known disease in a
22 specific species of livestock. However, consent from the owner of
23 livestock is necessary to collect or access information about the
24 owner's livestock.

25 NEW SECTION. **Sec. 5.** Nothing in this chapter may be construed as
26 prohibiting the state from operating livestock identification, brand
27 registration, and inspection programs as authorized by chapters 16.57,
28 16.58, and 43.23 RCW.

29 NEW SECTION. **Sec. 6.** (1) Disease programs that utilize databases
30 or emerging technologies must provide for full and informed consent of
31 all participants, including disclosure of the entire program, the
32 possible uses of information collected thereunder, and every entity or
33 person to whom such information may be disclosed.

34 (2) Persons who voluntarily enroll in a source verification program

1 shall be allowed to withdraw from the program at any time and their
2 personal information shall be permanently removed from program records.

3 (3) No public funds may be used to support a source verification
4 program.

5 (4) Any private source verification program shall not be used to
6 gain unfair competitive advantage, but shall be considered a commercial
7 term subject to laws restricting unfair competition.

8 (5) A private source verification program identification system,
9 device, or marking shall not obliterate or supersede or otherwise make
10 unreadable this state's or any local entity's brand or mark on any
11 animal. A source verification program's rules may not supersede this
12 state's brand or marking system rules as a matter of law.

13 NEW SECTION. **Sec. 7.** (1) No services, compensation, favors,
14 payments, credits, benefits, licenses, permits, certifications,
15 insurance or risk management coverage, special consideration, or other
16 incentives may be provided by any public or private person, directly or
17 indirectly, to any participant in an animal identification or premises
18 registration program based solely on that person's participation in
19 such program.

20 (2) No services, compensation, favors, payments, credits, benefits,
21 licenses, permits, certifications, insurance or risk management
22 coverage, special consideration, or other incentives may be denied,
23 revoked, or limited by any public or private person, directly or
24 indirectly, based solely on that person's lack of participation in an
25 animal identification or premises registration program.

26 (3) Neither this state nor any local government in this state may
27 require any of its suppliers to participate in a premises registration
28 or animal identification program as a condition of supplying goods or
29 services.

30 (4) Failure to participate in a premises registration or animal
31 identification program, or the providing of services to persons who are
32 not participants in a premises registration or animal identification
33 program, shall not be a crime, an element of any crime, or evidence of
34 any negligence or gross negligence on the part of any livestock owner
35 or provider of goods or services.

1 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
2 a new chapter in Title 16 RCW.

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